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02
03 UNITED STATES DISTRICT COURT
04 WESTERN DISTRICT OF WASHINGTON
05 AT SEATTLE

06 HONG VAN NGUYEN,) CASE NO. C09-0455-RSM
07) (CR06-307-RSM)
08 Petitioner,)
09 v.) ORDER DENYING PETITIONER'S
10) HABEAS PETITION WITH
11 UNITED STATES OF AMERICA,) PREJUDICE
12)
13 Respondent.)
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10 The Court, having reviewed petitioner's petition for writ of habeas corpus, respondent's
11 answer thereto, the Report and Recommendation of Mary Alice Theiler, United States
12 Magistrate Judge, and the remaining record, does hereby find and Order:

- 13 (1) The Court adopts the Report and Recommendation;
14 (2) Petitioner's habeas petition and this action are DISMISSED, with prejudice;
15 (3) Certificate of Appealability is DENIED, pursuant to Rule 11 of the Rules
16 Governing Section 2255 Proceedings in the United States District Court; and
17 (4) The Clerk is directed to send copies of this Order to petitioner, to counsel for
18 respondent, and to Judge Theiler.

19 Dated this 22nd day of January, 2010.

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22 RICARDO S. MARTINEZ
UNITED STATES DISTRICT JUDGE